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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/598,083	08/17/2006	Lear Michael Haulsee	70434/UST	9911
	7590 03/02/201 ROP PROTECTION ,	EXAMINER		
PATENT AND TRADEMARK DEPARTMENT 410 SWING ROAD			PRYOR, ALTON NATHANIEL	
GREENSBORG			ART UNIT	PAPER NUMBER
			1616	
			NOTIFICATION DATE	DELIVERY MODE
			03/02/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

department-gso.patent@syngenta.com

Office Action Summary The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DV MICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of the may be available under the povisors of 37 CFR 1.13(a). In no worst hexaver, may a reply be timely feel safe; 93 (b) MONTHS from the mining date of the communication. FIX period for reply is specified above, the maximum stability period will apply and will engage 3 reply be timely fled. The communication of the maximum stability period will apply and will engage. (5) (B) MONTHS in the same raining date of the communication. Fix the maximum stability period will apply and will engage. (5) (B) MONTHS in the same raining date of the communication of the communication after the mailing case of this communication. Fix the maximum stability and will engage. (5) (B) MONTHS in the same raining date of the communication. Fix the maximum stable and the communication of the communication and provided and the communication. Fix the maximum stable and the maximum stability and will engage. (5) (B) MONTHS in the advance any communication are subjected in an accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims		A 11 11 A1	T	
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Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date 8/17/06. 4) Interview Summary (PTO-413) Paper No(s)/Mail Date. 5) Notice of Informal Patent Application 6) Other:	Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO-948) Information Disclosure Statement(s) (PTO/SB/08)	Paper No(s)/Mail D 5) Notice of Informal F	ate	

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-8,11-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hopkinson et al (US20030050194; 3/13/03) and Schlatter et al. (US20050215432; 6/29/05 in view of Provisional application 60325902; 9/28/01). Hopkinson et al. teach agricultural .composition comprising an agricultural active such as insecticides (abamectin, thiamethoxam) and nematicides (paragraph 34,36) plus an anionic surfactant such as C8-18 alcohol polyalkoxyether phosphates (paragraph 18) plus nonionic surfactant. The agricultural active compounds may be used in combinations (paragraph 41). Adjuvants can be added to the agricultural compositions (paragraph 43). The agricultural compositions can be formulated as aqueous suspensions (para 48). The agricultural compositions can be applied to seeds and plants. Hopkinson et al. do not teach that their nonionic surfactant is an alkoxylated phenol. However, Schlatter et al.s' provision application is drawn to an aqueous composition comprising a neonicotinoid such as thiamethoxam (page 6) used for the protection of plant propagation materials (seeds) against insects and/or acarina (page 1 paragraph 1). The composition includes an anionic surfactant such as phosphate esters of polyalkylated alkyl alcohols or polyarylphenol polyalkoxyether phosphates (page 9 line 23 - page 10

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line 23) Schlatter et al. teach that the composition can optionally comprise nonionic surfactants such as ethoxylated tristyrylphenol and ethoxylated nonylphenol (page 10 line 25 – page 11 line 14). It would have been obvious to modify the invention of Hopkinson et al. to include the ethoxylated tristyrylphenol and ethoxylated nonylphenol taught by Schlatter et al. One would have motivated to do this since Hopkinson et al. allows for the inclusion of a nonionic surfactant and since both Schlatter et al. and Hopkinson et al. teach the utility of controlling insects.

Election Status

The elected invention comprising abamectin, polyalkoxyether phosphate and alkoxylated phenol is not allowable (see rejection above).

Telephonic Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALTON N. PRYOR whose telephone number is (571)272-0621. The examiner can normally be reached on 8:00 a.m. - 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Johann Richter can be reached on 571-272-0646. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Alton N. Pryor/

Primary Examiner, Art Unit 1616